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Atty. Docket No. 40655.1300

account itself is considered obvious to one of ordinary skill in the art. As such, Applicants respectfully request the Examiner to produce a reference disclosing such in accordance with MPEP § 2144.04.

Claims 2-4 each either directly or indirectly depend from claim 1 and include all of the elements thereof. Therefore, Applicants submit claims 2-4 are not obvious over Carrithers in view of the ordinary skill in the art at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2-4.

Regarding the rejection of independent claims 5, 19, and 24, Applicants submit each of these claims define methods or systems reciting elements similar to the elements recited in claim 1 discussed above. Therefore claims 5, 19, and 24 are not obvious over Carrithers in view of the ordinary skill in the art at least for the same reasons as claim 1, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of independent claims 5, 19, and 24.

Claims 6-18, 20-22, and 25-32 each either directly or indirectly depend from claims 5, 19, and 24, respectively, and include all of the elements thereof. Therefore, Applicants submit claims 6-18, 20-22, and 25-32 are not obvious over Carrithers in view of the ordinary skill in the art at least for the same reasons as claims 5, 19, and 24, respectively, in addition to their own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 6-18, 20-22, and 25-32.

Regarding claim 35, it depends from claim 33 and includes all of the elements thereof. Applicants have discussed above Carrithers' failure to teach each of the elements of claim 33. Therefore, since claim 35 includes each of the elements of claim 33, claim 35 is not obvious over Carrithers in view of the ordinary skill in the art for the same reasons as claim 33 discussed above, in addition to its own respective features. Therefore, Applicant respectfully request withdrawal of the rejection of claim 35.

The Examiner next rejects claim 23 under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,774,870 issue to Storey ("Storey") in view of Carrithers. Applicants respectfully traverse the rejection.

In making the rejection, the Examiner characterizes Storey as disclosing each of the elements of claim 23 except "the use of loyalty points where the points are converted to a

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currency and credited to a financial transaction account.” Applicants have reviewed Storey in its entirety and submit Storey does not teach or suggest at least “posting said currency credit to said financial transaction account, wherein said currency credit is applied to offset an executed charge” as recited in independent claim 23. The Examiner relies on Carrithers to cure the defects of Storey, however, for the reasons discussed above, Carrithers fails to cure such defects. Specifically, Carrithers fails to teach or suggest the elements of “said currency credit is applied to offset an executed charge” since the credit in Carrithers must be applied before completing the transaction (e.g., prior to executing the charge). Therefore, Storey in view of Carrithers fails to teach or suggest each of the elements of claim 23.

The failure of Storey in view of Carrithers to teach or suggest each of the elements of claim 23 is fatal to the obviousness rejection. Therefore, claim 23 is not obvious over Storey in view of Carrithers. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 23.

### CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 1928-14 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

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